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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,965	12/08/2000	Laszlo Hars	US000375	8779

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

NALVEN, ANDREW L

ART UNIT PAPER NUMBER

2134

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/732,965

Applicant(s)

HARS, LASZLO

Examiner

Andrew L. Nalven

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/08/2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-28 are pending.
2. The IDS submitted 8 December 2000 has been received and considered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-10, 13-19, 21-25, and 27-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Davis et al US Patent No 6,611,607. Davis discloses a method for integrating digital watermarks in multimedia data.
5. With regards to claims 1, 13, 19, and 27, Davis teaches a mechanism for dividing the digital recording into a plurality of first sections interleaved with a plurality of second sections (Davis, Figure 1, column 7 lines 2-5, hashed features and media signal), a mechanism for calculating an identifier as a function of the data contained in the plurality of first sections (Davis, column 7 lines 2-5 and lines 9-12, "hash"), and a watermarking mechanism for watermarking each of the plurality of second sections with information related to the identifier (Davis, column 7 lines 2-13).

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6. With regards to claims 3, 14, 21, and 23, Davis teaches splitting the identifier into m parts such that each of the m parts comprises information related to the identifier (Davis, column 11 lines 31-39).

7. With regards to claims 4, 7, 15, 22 and 28, Davis teaches a set of m second sections forming a group and each second section within the group receives a unique one of the m parts of the identifier (Davis, column 11 lines 31-39).

8. With regards to claims 5, 10 and 16, Davis teaches the identifier calculated as a hash of the data contained in the first sections (Davis, column 7 lines 2-12 and lines 22-25).

9. With regards to claim 6, Davis teaches the digital recording including music and the plurality of tracks including individual songs (Davis, column 3 lines 52-55, column 10 lines 29-35).

10. With regards to claims 8, 17 and 24, Davis teaches a mechanism for reading a plurality of first sections from the digital recording and calculating a first verification identifier from data contained in the plurality of first sections (Davis, column 7 lines 5-10), a mechanism for reading watermarks from each of the plurality of second sections from the digital recording (Davis, column 7 lines 8-10), a mechanism for determining a second verification identifier from at least one of the watermarks (Davis, column 7 lines 8-10), and a mechanism for comparing the first verification identifier and the second verification identifier (Davis, column 7 lines 5-10).

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11. With regards to claims 9, 18 and 25, Davis teaches the second verification identifier being determined by coalescing a set of *m* watermarks read from the digital recording (Davis, column 11 lines 31-39).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 2, 11-12, 20, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al US Patent No 6,611,607 in view of Yoshida et al US Patent No. 6,674,874.

14. With regards to claims 2, 11, and 20, Davis, as described above, fails to specifically teach the first sections being interleaved in an alternating manner with the second sections. Yoshida teaches the first and second sections alternating (Yoshida, column 13 lines 32-39, column 14 lines 4-5). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Yoshida's method of alternating sections because it offers the advantage of providing a method of embedding watermark data that may be utilized to authenticate a portion of audio data (Yoshida, column 14 lines 7-24).

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15. With regards to claims 12 and 26, Davis as modified fails to teach a mechanism for terminating a process when the comparison of verification identifiers is unequal. Yoshida teaches a mechanism for terminating a process when the comparison of verification identifiers is unequal (Yoshida, column 14 lines 7-24). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Yoshida's method of terminating because it offers the advantage of ensuring that only original audio data can be outputted (Yoshida, column 14 lines 7-24).

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

17. Wakasu US Patent No 6,259,801 discloses a method for inserting and detecting electronic watermark data into a digital image.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L Nalven whose telephone number is 703 305 8407. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 703 308 4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Nalven




MATTHEW SMITHERS
PRIMARY EXAMINER
Art Unit 2137